

ORDINANCE NO. 726

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF AUDUBON, IOWA, BY REPEALING CHAPTER 75 AND REPLACING IT WITH A NEW CHAPTER 75 ENTITLED "LOW SPEED VEHICLES AND SCOOTERS."

BE IT ENACTED by the City Council of the City of Audubon, Iowa:

SECTION 1. Chapter 75 of the Code of Ordinances, in its current form, is hereby repealed in its entirety.

SECTION 2. NEW CHAPTER 75. Chapter 75 of the Code of Ordinances of the City of Audubon, Iowa, is amended by adding a new Chapter 75, entitled "Low Speed Vehicles and Scooters", which is hereby adopted to read as follows:

See Attached.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the \_\_\_\_ day of \_\_\_\_\_, 2016, and approved this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Barb Jacobsen, Mayor

Attest:

\_\_\_\_\_  
Joseph Foran, City Clerk

I certify that the foregoing was published as Ordinance No. \_\_\_\_ on the \_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Joseph Foran, City Clerk

## CHAPTER 75

### LOW SPEED VEHICLES AND SCOOTERS

**77.01 DEFINITIONS.** For use in this chapter the following terms are defined:

1. "Electric scooter" means an electrically driven scooter with two (2) or more wheels and designed so that the rider or operator sits or stands on the vehicle while the same is in motion, and having a top attainable speed of less than twenty-five (25 mph) miles per hour.
2. "Low speed vehicle" means any four wheeled electric or gas vehicle whose top speed is greater than 20 mph but not greater than 25 mph on a paved level surface and which is manufactured in compliance with those Federal motor vehicle safety standards for low speed vehicles set forth at 49 CFR § 57 1.500, and in effect on January 1, 2001.
3. "Motorized cart" means every motor vehicle having no less than three wheels and an unladen weight of 1300 pounds which cannot operate at more than 20 mph and which is designed to carry not more than two (2) persons including the driver.
4. "Motorized scooter" means a motor driven scooter equipped with two (2) or more wheels and designed so that the rider or operator sits or stands on the vehicle while the same is in motion, and having a top attainable speed of less than twenty-five (25 mph) miles per hour.
5. "Operate" means to control the operation of the vehicle.
6. "Operator" means a person who operates or is in actual control of a vehicle.
7. "Street" means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**77.02 USE OF CERTAIN STREETS.** The Council designates all streets within the City for use by persons operating electric scooters, motorized scooters, or low speed vehicles, provided that each of said streets or sections of streets meet at least the following minimum criteria:

1. The official speed limit established for the street or portion of street shall be no more than 35 miles per hour.
2. The street or portion of street must, in the opinion of the Council, have sufficient capacity, lighting and right-of-way to safely accommodate all such traffic, including ordinary motor vehicle traffic as well as pedestrians.

**77.03 RULES APPLICABLE TO OPERATION.** No person shall operate any electric scooter, motorized scooter, or low speed vehicle upon any public street designated for such use unless such person fully complies with and operates such vehicle in accordance with the following rules:

1. No person shall drive or otherwise operate any motorized scooter, electric scooter, motorized cart, or low speed vehicle unless such person has a valid driver's license.
2. No person shall drive or otherwise operate any motorized scooter or electric scooter vehicle except during daylight hours, or such more restrictive hours as may be prescribed by the Council for each street or portion of street over which the operation of such vehicles is permitted. Low speed vehicles may be operated at all times provided that they have working approved lighting, including not less than two headlamps, two tail lamps with brake lamps, and left and right turn signals, both front and rear.
3. No person shall drive or otherwise operate any motorized scooter, electric scooter or low speed vehicle except in complete compliance with rules of the road and all other applicable traffic laws relating to the operation of motor vehicles and pedestrian traffic.
4. No person shall drive or otherwise operate any motorized scooter, electric scooter, or low speed vehicle in any manner except a safe and courteous manner, having due regard for the conditions of the street, weather conditions, and the safety of others.
5. No person shall drive or otherwise operate any motorized scooter, electric scooter, or low speed vehicle with more passengers than the designed capacity of the vehicle, including the driver.
6. No person shall drive or otherwise operate any motorized scooter, electric scooter, or low speed vehicle on any property within the City, including private property, while under the influence of alcohol or drugs.